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## CONGRESS AND THE CABINET—II.

IN the ANNALS OF THE ACADEMY for July, 1892, a paper by Mr. Freeman SNOW was published, criticising my plea for giving to the members of the Cabinet seats in Congress. The subject is of sufficient importance to justify the presentation of some further considerations, though it has been unavoidably delayed.

The objection to that paper is that Mr. SNOW does not discuss what I advocate, but something entirely different :

“ What Mr. Bradford would seem to desire for the United States is responsible cabinet-government, but as that cannot be had without a radical change of the Constitution, he proposes that Congress shall voluntarily transfer the conduct of legislation to the wholly irresponsible officers of the executive.”

When a person is said to be responsible, the question at once presents itself, to whom is he responsible? When Mr. SNOW speaks of responsible cabinet-government, he means, as is evident from the rest of his argument, a government responsible to Congress; and because the officers of the executive department are not responsible to Congress he says that they are “ wholly irresponsible.” To show that this looseness of language involves the root of the whole matter, it will be necessary to glance at the history of parliamentary government. Perhaps the greatest glory of England, that which makes her political history more valuable to the whole world than that of any other nation, ancient or modern, is this, that she has wrought out during two centuries the problem of creating an executive power at once strong enough to govern, and at the same time responsible and obedient to public opinion as expressed through parliament. In all other countries the story is of despotism at one time and anarchy at another. In Great Britain alone the executive power has gone steadily on, passing from one

party to another, and from one generation to another, taking up and settling one complex social problem after another, so that while this century has seen changes in both government and people almost as great as those effected by the French Revolution, it has all been accomplished without anything worse than a riot in the last hundred and fifty years. Thoroughly American in feeling, as I claim to be, and believing that everything in this country—except government, and that also in many respects—is better than anywhere else in the world, I can never contemplate this history without a tribute of enthusiastic admiration, and a firm conviction that this splendid machinery will, within another generation, work out a solution even of the apparently hopeless Irish question. But this political machinery has one feature, which, though it has worked extremely well while the government was in the hands of a limited class, and was perhaps the only method by which its results could have been obtained, yet shows some weakness as an instrument of democracy, that is of a government depending for its motive power upon what is called universal suffrage. The executive power is established, not by the people, but by the legislature, substantially through what is known as second election. The result is that the ministry, being created by a parliamentary majority, is dependent upon that majority, and must resign at its bidding, having only an indirect power of appeal to the nation. Now the one great difficulty which has been developed in popular representative government, in its short experience of a hundred years, is the predominance of the legislative and the weakness of executive power. That is the one lesson of French history, from 1789 to this day; and equally so of the United States from the time of the Declaration of Independence: and not only of the Federal government, but of every State, and every city in the Union. Government by a legislature means anarchy, with its inevitable result of military despotism, whether that legislature is the Long Parliament of 1640, the Constituent Legislative

Assemblies of France, or the Congress and the State Legislatures of the United States, though here the power and the intelligence of the people, and the strength of local organization are such that they have prevented, with one memorable exception, and probably will for generations continue to prevent such disastrous results. It is to be hoped that in the meantime the problem of the proper balance of power may be worked out here.

The fundamental difference between the governments of Great Britain and the United States consists in this, that in the latter the Executive is a President, elected every four years by the majority of the whole nation. The intervention of presidential electors has become a mere form : and the election by States, though it differs somewhat, does not differ greatly from a popular vote. The Queen of Great Britain reigns by hereditary descent, and is dependent for her position neither upon Parliament nor the people. As an offset to this the crown has been deprived of all but nominal power, though its influence is undoubtedly still considerable. The real executive, as Mr. Bagehot has clearly shown, is the ministry, which is in effect a committee of parliament. When one ministry goes out, the leader of the opposition is invited by the queen to form a new ministry. If he thinks he can command a majority, he invites certain other leading men to join him, which they will only do upon condition of his supporting them, so that if any one of them is defeated the whole ministry will resign. Every effort is therefore directed to maintaining the party majority, and how difficult this is, is shown by comparison of the groups and the constantly-changing ministries in France. It is a condition of unstable equilibrium. Our Cabinet officers, on the other hand, are the direct appointees of the President. So far from being irresponsible, they are jointly and severally, as well as absolutely, responsible to him. He can change one or all of them at his pleasure, subject only to the consent of the Senate, which has very rarely been, and

under the circumstances herein proposed, never would be refused, unless in very extreme cases. But the President is himself responsible to the nation, and therefore his Cabinet is so also. In other words, he appoints its members, subject to his responsibility to the majority of the nation. The Cabinet is, therefore, irresponsible only as regards Congress. It has its own separate responsibility to the people precisely as Congress has, but with this difference, that the constituents of the Cabinet are the majority of the whole nation, acting through the President, while the constituents of each Congressman are only the majority of his own district, and of each Senator only the majority of his own State Legislature. This fact of the separate and direct responsibility of both executive and legislature to the common arbiter and sovereign, the people, is of immense importance, and like nothing else in the world. From their responsibility to the President alone it follows that the members of the Cabinet need stand in no fear of Congress, or to resign in case of an adverse vote. If, indeed, the President felt that one or more members of the Cabinet had proved to be incompetent, he could, and probably would, change them at his pleasure. But, if otherwise, he could uphold them against any adverse majority in one or both Houses. The defeated member could either abandon the rejected measure under protest and appeal to the country, or could modify it, still under protest, till the majority would accept it, or could drop the subject, and, contenting himself with existing legislation, go on to something else till the verdict of the people was pronounced at the next election. But there would be no more necessity of his resigning than there is now. From the fact that both Congress and the Executive have a separate and independent responsibility to the people, as also from the much wider and more numerous constituency of the Executive, it would follow that Congress would be much less dominant and dictatorial in its relations to the Executive than it is at present, or than is the British House of Commons, or the French

Chamber of Deputies. Nobody doubts that members of Congress are sensitive enough to any manifestation of the will of their constituents. The trouble is that with the present methods of government by the lobby and secret committees, there is no opportunity for the formation or the expression of public opinion. But if one of the President's lieutenants, felt by every part of the country to be the agent of the whole, were to stand up in open Congress to express his views and plans upon any public question, and these were discussed by the press of the whole country, itself anxious to conform to and express public opinion, members of Congress would be exceedingly careful about factious opposition in the face of such a power as that. So long as a secretary could maintain the conviction of his purity and elevation of character, even though his ability was not of the highest, he would be safe from bullying and sure of respectful treatment. It would be only trickery or dishonest collusion with private interests which would ensure his speedy downfall.

To return to Mr. Snow. He says that the Pendleton Senate Report of 1881, proposed to give to the members of the Cabinet "the privilege to give their suggestions and advice in debate by word of mouth," and that this would probably neither do much good nor much harm, but that it is totally different from my proposal "to transfer the initiative and conduct of the business of legislation from the members of Congress to the officers of the executive department;" that this, even if desirable, is not what is proposed by the Pendleton Report, and could not be done without a change in the Constitution, and without the cabinet officers being at the same time members of the Houses. The Pendleton Report contains this clause :

"The advantages of the system proposed are so obvious and manifold that the committee feels relieved from a detailed statement of them, and confines this report to an examination of the question of its constitutionality."

The reason of this curt dismissal of the main point evidently was, that the committee had no inclination to encounter the torrent of opposing interests. As the result which Mr. Snow correctly charges me with desiring would be the greatest of these advantages, and could, as I believe, be brought about without any change of the Constitution, and without requiring the cabinet officers to be members of the Houses, it may be desirable to consider how this would occur. When the next Congress assembles there will be 356 members—and the reasoning is just as good for the Senate with its eighty-eight members—all precisely equal. Probably not more than one-half of the members have ever been there before, and very few for more than one term. There is nothing to distinguish the most accomplished statesman from the most ignorant tradesman who has been successful in business, and there is no reason why one should give way to another. They can do nothing at all till they have elected a speaker. That speaker makes up, at his absolute discretion, the standing committees, some fifty in number, to whom everything is referred.

These committees have almost absolute power to suppress any legislation which they do not like, and more power than anybody else to get any laws passed which they wish for. To these committees are sent, upon a precisely equal footing, all the bills and resolves, amounting to thousands in number, which any member may see fit to introduce. The question which of these measures shall be taken up by the House depends, not upon any public, responsible and national authority, but upon the power of intrigue with the committees, irresponsible in every sense of the word, and when any measures are taken up by the House, neither the debate nor the voting is guided by any such authority, but by the laborious building up of a majority, vote by vote, through the private and party operations of the lobby. In another article upon "Responsible Cabinet Government," to which Mr. Snow refers, he says :

"The aim of popular government should be, not how best to govern the people, but how best to teach them to govern themselves."

The simple answer to this is, that it is wholly impossible for a people under any circumstances to govern themselves. Probably Mr. Snow himself would not maintain that sixty millions of people, acting in a mass, could either make laws or execute them. And whether they delegate their power to five men or five hundred men the principle is the same. Again he says :

"Bagehot seems to hope that the mass of Englishmen will always remain in a state of respectful ignorance, merely indicating, now and then, which of the best and wisest statesmen of England they wish to have as rulers. It is needless to say that this is not a picture of democracy."

Why not? Is democracy to choose the worst and most foolish statesmen? For it must choose them of some kind, unless Mr. Snow proposes to give up representative institutions and have the people of the United States do business in mass meeting. If this is the only obstacle to cabinet government it does not appear why it should not succeed in the United States.

Mr. Snow doubts the proposition that the people of the United States, as a whole, are not represented in Congress, and cannot see why the President represents the whole country any more than Congress does. It is true in mathematics, but it is not true in politics, that the sum of the parts is equal to the whole. There is no man who can speak in Congress for the whole country, or can command its attention as a cabinet officer would do.

The complete anarchy and absence of leadership in the House of Representatives have evolved in the speaker the greatest power of any individual in the country. By his power of making up the standing committees, in which, of course, he must pay his debts to those to whom he owes his election ; by his further power of recognizing or ignoring whom he pleases in debate, and by the new power of counting



a quorum at his pleasure, not yet fully crystallized, but in a very promising stage, he has become one of the greatest dangers to the liberties of this country. And this is all the more so that the speaker, like every other member, only represents a single district, is in no way directly responsible for legislation, and neither directly nor indirectly for the effect of laws upon the administration. Instead of being an impartial presiding officer he is the purest instrument of party politics manipulated by the lobby.

Perhaps the best way to discuss Mr. Snow's argument will be to take a concrete case, and trace its probable working; and the tariff, at once by its complexity and its universal national interest, offers a good example. Suppose that when Congress meets the Secretary of the Treasury, by invitation of the House of Representatives, in accordance with the Pendleton Bill, should appear and take his seat near the speaker's desk. The first thing to be noted is, that it is not at all necessary that he should be a member of the House. He is simply an agent of the administration, having no vote, but presenting the wants of the treasury, and the effect of the existing tariff upon the financial interests of the country. Observe, again, how different his position would be from that of appearing before a committee, say, of Ways and Means. The committee is not a place for debate. It does not care to argue with the secretary. With its inherent jealousy of the Executive, it does not care what he has to say. For form's sake, it listens to him, perhaps asks him a few questions, and then dismisses him and conducts its deliberations and forms its decision upon motives which the country never sees or understands at all. But the House is the place for debate. Every word that the secretary said there would be reported, and his language and bearing discussed in almost every newspaper in the United States. Mr. Snow cannot see how the President represents the whole country any more than Congress. The simplest appeal to fact shows that the President excites equal interest in Maine and Louisiana, in Wisconsin

and Florida, in Virginia and California. The speaker and the Chairman of Ways and Means are perhaps the most important members of the House. But they represent each precisely one three-hundreth and fifty-sixth part of the country, and the rest of it, except from the point of view of party politics, cares very little what either of them thinks or says :

“ But how can the President represent the country as a whole on any question which interests every part ? Take, for instance, the question of free-coinage of silver ; the South is for it, the East against it, and the West divided. No one man can represent all these views.”

The trouble is that Congress does represent them all separately, and engages in an internecine struggle by means of intrigue, lobbying and political tricks, as to which of them shall prevail. What is wanted is a mediator, whom all look up to as their official representative, to prepare a scheme of compromise and adjustment of interests, accepted by all, as, if not what they want, yet the best which under the circumstances, they can expect to obtain for the present. A good illustration is to be found in the first English parliamentary reform. The state of society was far more dangerous than anything existing at present in this country. The exasperation of classes had been raised to the highest point. If the question had been left to the wrangles of parliament and parties, it would have certainly ended in civil war. But it took the form, first, whether a particular ministry should be put in power to settle the quarrel, a matter not for fighting, but for argument and votes. The ministry, once installed, was looked to as the national arbiter, to prepare a bill which both sides could accept. That bill was so complex and so indirect, that probably not five per cent of the population understood it at all, or how it was to work. The great multitude, however, was persuaded that somehow or other it was to bring relief even to the extent of providing bread for the poor. The agitation was, therefore, directly on behalf of the bill and nothing but the bill ! again, a matter not for fighting but for votes. Twice

the bill was accepted by the Commons and thrown out by the Lords. The storm was all ready to burst when the Upper House, threatened with swamping by a fresh creation of peers, and seeing in the bill just what they had to accept, swallowed the dose, and England glided peacefully over from the feudal ages into the nineteenth century. The President and his Cabinet could do, if they had the opportunity, what Congress never will or can do, while, on the contrary, it is increasing sectional bitterness more and more every year.

But we have left the secretary waiting, and it is time for him to speak. He rises in his place, and it is safe to say the speaker will recognize him without regard to party, greatly to the disgust of members who cannot get the same opportunity. He does not embark upon a radical reform of the tariff, but proposes a few changes of detail, among others, for example, free wool, and makes those a pretext for a discussion of the whole subject. If a private member had made the same proposal it would be referred with a hundred others to the appropriate committee. The author would be divorced from his measure, and the latter would disappear, perhaps for months, and if ever heard from again, it would be as a part of an elaborate bill, prepared by the committee, upon motives and considerations of which the country would know nothing. Mr. Snow would probably say that the secretary's proposal would be referred in the same way. But he is a very different individual. In the course of his speech he would insist respectfully but earnestly, upon the importance of immediate public discussion, and would close with submitting a resolution to that effect. Some members of his party, seeing the political capital to be made, would support the resolution. The opposition would at once see that with the secretary's speech published all over the country, it would be too dangerous to try to stifle it by reference to a committee, and that they had got to take the bull by the horns. They would be anxious as to the character of the debate. It would never do to let any blatant member who could catch

the speaker's eye damage the party and the cause by displaying his ignorance. They would go into caucus to select their best man to conduct the debate, and in a general way the speakers to follow him. The House would be divided into two organized and disciplined bodies under their respective leaders, ready to join battle in a discussion of principles before the whole country looking on with the most intense interest. Cannot Mr. Snow see how the "advice and suggestion" of the Pendleton Report might develop into something vastly more important, and that such are "the obvious advantages" which the author of that report pointed to but did not see fit to discuss?

We will suppose that while the regular business of the session was going on this discussion was kept up for two or three months. The country, as a whole, would learn more and come to more definite conclusions than from all the efforts of local writers and speakers, including members of Congress, in as many years, from which, indeed, it probably does not learn anything at all. There would be added the immense force of personality. Members would come before their constituents through their speeches and votes in a totally different light and have a chance of standing on their own feet, instead of being the mere nominees of a party convention. The whole country would begin to take sides with the secretary and the President behind him on the one part, and the leader of opposition and his followers on the other. The elections would begin to take on a wholly different character.

Suppose next that after a three months' debate a vote was taken, and the secretary's proposals defeated by a large majority. It would not be necessary for the Cabinet or even the secretary to resign. The President might say to the latter in private, "You have done well. Now help on the business of the session with tact and prudence, and we will see what another year may bring forth." Or he might conclude that the secretary was not up to his work, ask for his resignation privately, and invite the member of the same party who had

been most prominent and effective in the debate to take his place, and any member would gladly resign (reserving his chance of subsequent re-election when out of office) for a post of such distinction as the Cabinet would then offer.

These ramifications might be followed out indefinitely to meet possible objections, but there is one important consideration, that if the experiment did not work satisfactorily, the House at the end of the session would need only to rescind the resolution inviting the presence of the secretary, and the present condition of things would be restored. The question presents itself, why a measure recommended unanimously by eight Senators from both parties as offering "obvious advantages," so easily tried and set aside if it fails, has never received the slightest attention from Congress. There is an amply sufficient reason to be presently noticed.

I am happy to be able to agree with Mr. Snow in one particular, and that is as to the fact and the danger of the unchecked and absolute power of the British House of Commons, particularly with the advent of democracy. But he intimates, though he does not exactly state, that the same thing does not exist here. The fact is that the power of Congress is infinitely greater and more dangerous than that of the House of Commons. It is true that the House of Commons makes and unmakes the ministry, and is not bound by any written constitution. But while the ministry exists the House leaves to it not only the executive power but that which is the essential condition of such power, the guidance and control of legislation ; and, moreover, the House is kept in order by the potent fear of dissolution. It would not be difficult to show from the history of the last hundred and fifty years that these things have given to Great Britain, upon the whole, the strongest executive government in the world, and in which there are as yet no marked signs of decay. It is true again that our Congress does not create and cannot remove the Cabinet, which is appointed by the President, himself elected by the nation, and also that

Congress is bound by our written Constitution. But as to the first point, Congress has much more than offset the difference by entirely excluding the executive from all share or voice in the guidance of legislation, and reducing it to be the blind instrument of any orders the legislature may choose to give. Experience is rapidly showing that within the framework of the Constitution there is hardly any limit to the evil which legislative anarchy can set on foot. No doubt the President has great power if he will stoop to intrigue and the use of offices, but as he must do that in subjection to members of Congress, it only emphasizes his weakness. The strongest test of all governments is finance. Notwithstanding the absolute power of the House of Commons, the whole subject is left to the Chancellor of the Exchequer. He regulates the revenue, and in conjunction with his colleagues the expenditure, subject only to acceptance or rejection by Parliament. The result is incomparably the first public finance in the world. With us the subject is in the hands of committees of Congress, and, as if to reach the acme of confusion, the expenditure and the revenue are entrusted to different committees in the House alone, to say nothing of those of the Senate and the conference committees. For the consequences, it is only necessary to point to our national finance of the last five years, a disgrace to a civilized nation. If the country should find that the change to a Democratic majority in the government results in no substantial improvement it would seem as if it would be tempted to ask the reason why.

Again Mr. Snow says :

“Nor is it to be assumed, because England has suppressed the ‘spoils system’ that only responsible government is capable of accomplishing this task ; it is the argument ‘*post hoc, propter hoc,*’ and really proves nothing.”

Putting one assertion against another, I remark, that there is not, in all political history, a more perfect example of cause and effect. After the reform act of 1852 was passed, which was on the direct proposal of a responsible ministry, the

ministers were held personally accountable for the execution of it. If any of them made a political appointment he was at once attacked in the House by individual members of the opposition, and so roasted, that he was not only very careful not to repeat the offence, but served as a warning to others. Some years ago Mr. Disraeli was suspected of appointing a relative to a minor office. He was instantly and publicly put upon the rack in the House, and went through a pitiable process of shuffling and evasion—a punishment which he did not need more than once. Mr. Gladstone said very truly that he had not power to appoint even a tide-waiter. Our President and heads of departments are under tremendous pressure from members and senators, and in yielding they have nothing directly to fear beyond an investigating committee, which can only be appointed by a majority of one or both Houses, and whose report, coming long after the event, and generally whitewashing its own party and condemning the other, is received by the country only with contempt.

“It may be said further, that we have in the Senate one of the most efficient legislative bodies that have ever existed in any country. It is the object at once of the admiration and the envy of the statesmen of Europe of all parties;\* and even our most severe critics are constrained to admit the excellence of its legislative methods. We have a powerful corrective in the Senate of the inefficient House legislation.”

I ask any impartial student to spend a winter in Washington and find out for himself whether the Senate is not rapidly becoming a club of rich men, devoted, in a great and increasing degree, to the promotion of local and private interests. Its members are elected by the State Legislatures, much more easily managed than the voters at large, and they care chiefly for the interests only of their own State. They are elected for longer terms than any other member of the government.

\* Readers are recommended to examine the simple descriptive account of the Senate given by Hon. James Bryce in his *American Commonwealth*, and decide if that is the impression which he succeeds in conveying.

Being renewed by fractions the Senate never dies, which the House does every two years. By their power of confirming the higher appointments, the Senators hold the President in an iron grasp, and compel him by the "courtesy of the Senate" to divide those appointments among their States. The Senate is certainly more powerful than the House, though whether it corrects its work for better or for worse, is another question, but to the President it is a complete and irresponsible dictator. Nothing but the full strength of executive power backed by the nation can prevent it from becoming, in the long run, a tyrannical oligarchy, notoriously one of the worst of governments.\* In reply to the probable charge of "Anglo-mania," I believe, and have no hesitation in expressing that belief, that our Congress possesses a higher average of ability and intelligence, and quite as high an average of intention as the British Parliament, and that if we could exchange systems of doing business for twenty-five years, our government would have the reputation of purity and efficiency, and the government of Great Britain that of inefficiency and corruption.

Mr. Snow quotes the very popular provision of the

\* Since the above was written, the Senate has itself furnished the strongest of arguments in favor of my position. The question was of the repeal of the so-called "Sherman Silver Law of 1890." The President called an extra session of Congress for the purpose, and urged it strongly in his message. The House of Representatives responded promptly by a large majority. The Senate has dallied for two months, allowing a small minority to obstruct its proceedings, and to endanger a conclusion, for which almost the whole country is clamoring in the loudest tones. The fact is, they are Senators before anything else. This body of equal potentates, two from each State, has established the principle, that nothing must be done upon compulsion, but everything by trading, the trading being based upon the wants of their respective States, or, the private interests which control them, and with a lofty indifference to the welfare or the wishes of the people at large. What is needed is the presence of some one armed with authority, and of whom they are afraid, or, to speak plainly, a lion tamer with a whip. The only person who can perform this function, is the Secretary of the Treasury, acting for the President, and representing through him the whole nation and all the States. If Mr. Carlisle were to stand up in the Senate, in accordance with the Pendleton report, and with the press and public opinion thundering behind him, were to demand a vote in the name of the nation, every Senator might be cowed. The question will have to be settled whether the people of the United States exist for the Senate, or the Senate for the people; and, if the people expect to settle it in their own favor, they will need to put forth their whole strength.



Massachusetts constitution, which says that neither the executive, legislative nor judicial branches shall exercise the powers of the others. Unfortunately it does not define what are executive and what legislative powers, and as the practice has been in this country, both with the nation and the States, to leave the legislatures, in spite of some feeble constitutional restrictions, to fix the boundaries at their own pleasure, it is not surprising that the executive is thrown prostrate, and that the legislative body, quite as greedy of power as any individual, has absorbed the functions of two branches, and shows a strong inclination for those of the third. If the object is good and steady government in the interest of the whole people, instead of the rule of faction, anarchy and private interests, then the guidance of legislation is just as much executive work as that of the post-office or the mint.

In truth, the preponderance of legislative power is not peculiar either to England or the United States. The strongest lesson which representative government by universal suffrage, whereof the world has never had any experience till within this century, is this, that such preponderance is the greatest visible danger which threatens the future of popular government. In France, after a century of oscillations between executives too weak to govern, and too strong to be kept under control, universal suffrage has solidly established the republic. Yet it is apparently drifting to shipwreck from the weakness of executive power and the domination of the chambers. The President is elected by the chambers and not by the people, having not even the power of dissolution without the consent of the senate. The chambers control the whole government, including the budget, by their committees ; and employ themselves in setting up and pulling down ministries, the various groups combining for the purpose and for no other. The prospect is that there will have to be either a readjustment of powers or another revolution. In Italy the case is just about as bad, and if not in Germany,

it is prevented by a still worse evil, that the master of a million bayonets is able thus far to impose his will both on parliament and the nation.

Leaving apart other nations; the struggle which is coming in this country, almost as momentous, though not so obvious as that with slavery, is between legislative and executive power. If taken in time it may give us executive power strong enough to govern, but responsive and obedient to the will of the nation. If neglected too long it must end as anarchy always ends, in military rule. The conditions for settling this problem are perhaps more favorable in this country than anywhere else. We have, in president, governor, or mayor, a single executive head elected directly by the people at large and dependent upon them only. But these heads are carefully kept out of sight and touch with the people by the intervention of the legislature. What is wanted is that the latter should stand on one side and let the executive have the same chance of addressing its constituents and presenting its case and arguments that the legislature has. But this the legislature will never do of its own motion. And here we have the real reason why the Pendleton Report has never received any attention from Congress. Mr. Snow says that for the Cabinet to take part in debate would evidently not be in accordance with the intention of the framers of the Constitution. It is difficult to see where he finds the intention in the absence of language, but the intention as well as the act of the First Congress is obvious enough. The question was, whether Hamilton's report on the finances should be submitted orally or in writing. It was argued on one side that members could not understand it without personal explanation, and on the other that they wanted to take it home and study it. It seems as if a child could have pointed out that both advantages were open to them, but the assigned reasons were not the real ones. Members shrank instinctively from an agency which would compel them to personal and public responsibility.

“In the debate on this measure in the House, it was objected that it would establish a precedent which might be extended until we admitted all the ministers of the government on the floor . . . thus laying the foundation for aristocracy or a detestable monarchy.”

There spoke the true spirit of legislative jealousy, and it settled the practice of the government, and is just as potent to-day. The first step will be taken when some President or governor turns directly to the people and asks for their protection of the rights of his office against the encroachments of the legislature, and it is by no means impossible that the country may be astonished at the response he will receive. So in the middle ages, in Europe, the sovereigns appealed to the nations for help in crushing the feudal barons, who made life a burden to all about them. The trouble in that case was that after crushing the barons the sovereigns turned round and crushed the people, though that even in the interest of the people, was the least evil of the two. The modern safeguard against this is the existence of legislatures, without whose public consent the executive cannot command a dollar of money or the services of a policeman, and which stand always ready to warn the people of the slightest attempt against their liberties by a magistrate who must go constantly back to them for election. No doubt very many and sensible people reason that the multitude are easily misled by a bad man, and might support him in suppressing the legislature. It would be interesting to examine, and the evidence is not wanting, from the century's history of universal suffrage, whether that conclusion is justified, but one thing may be said, that we should, by such a process, get at the real wishes of the majority of the people, which we certainly do not now. For all our talk about a government of, by and for the people, the effect of the predominance of the legislatures is to throw almost the whole control of government into the hands of party managers and machine politicians. We ought to be willing either really to trust the people or give up the pretence of doing so.

"Again Mr. Bradford would seem to believe that, by giving the initiative in legislation to the executive officers, such laws as the McKinley Act, of which he does not approve, would not be enacted. On the contrary, would not it facilitate the passage of such bills if they were supported by the executive and its influence?"

But they never would be supported by the executive and its influence. Without discussing protection or free trade, the McKinley Act was, in my opinion, in its object, though not entirely successful in practice, an instrument of plunder of the nation by private interests. Moreover, it is full of absurdities in common with our other tariff laws, which make it almost impossible to administer. No executive, which had to face cross-examination and debate in the House and before the country, would dare to bring forward such a bill :

"The McKinley Act was passed because a majority of the Representatives of the people in Congress were in favor of it : and no one will say that it was not openly and fairly discussed."

On the contrary, great numbers of persons will and do say that. It was passed by that process of lobbying and log-rolling which has made our government a by-word among nations. So much at any rate is certain, that it was never subjected to any criticism from a national point of view. A certain number of representatives, whether from personal or party motives, worked hard for its passage. A number of others, with less concert of action, worked against it, and a large proportion having no leader to rally round, no common impulse and no support of public opinion, looked on in helpless indifference. There was not, and there never is, anybody speaking with authority as to the effect upon the welfare of the nation and in practical administration. That kind of criticism could come only from the Secretary of the Treasury :

"The overgrown power of the speaker and the exaggerated committee system in our legislation are not integral parts of the Constitution ; they are subject to the temporary rules of the House, and may be modified or abolished at pleasure."

These things have existed, in their main features, ever since the House did, and under the present system they will continue to exist in vigorous growth as long as the House does. They are desperate, and certainly very ingenious, expedients for injecting some working force into what would otherwise be a paralyzed mob. The only possible way of getting rid of them is to provide a substitute organization, with leaders, whom independent members as well as parties can rally around. The only available leaders are the members of the Cabinet with their natural complement, elected leaders of opposition. To have any meaning, agitation against one system must be agitation in favor of the other, or of something equivalent :

“ It seems somewhat singular that Americans should continue to write essays and books in praise of responsible Cabinet Government, when that system is not only being discredited at home, but when, as these same writers admit, there is not the remotest possibility of its introduction into this country.”

If by “ at home ” Mr. Snow means Great Britain, which is the mother of the system, his statement would probably excite laughter among the great majority of Englishmen. In his condemnation of that system, he quotes two Americans, one Belgian and one German, but not a single Englishman. He would do well to ponder what such writers as Walter Bagehot, Erskine May and Alpheus Todd say of it, while even on the continent of Europe, bad as it may be, there is not a single government, making any pretence to parliamentary institutions, which would think for a moment of dispensing with it. Believing that it would work here as well, or even better than in England, I protest strongly against Mr. Bagehot’s triumphant conclusion that it is a blessing which we can never enjoy. There is at least one writer, therefore, who does not admit the impossibility of its introduction into this country. On the contrary, believing that our present system is leading us straight, with only a question of time, to civil war, and in the faith that the

American people, so quick in the adoption of material improvements, will have the insight, the wisdom and the patriotism to avert this catastrophe, he proposes to employ his remaining strength, feeble as it may be, in the effort to point out to his countrymen the danger which lies before them, and the path which appears to him to offer the only effective and available way of escape.

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